

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1
Eastern Division**

Kraft Foods Global, Inc., et al.

Plaintiff,

v.

Case No.: 1:11-cv-08808
Honorable Steven C. Seeger

United Egg Producers, Inc., et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Tuesday, November 28, 2023:

MINUTE entry before the Honorable Steven C. Seeger: For the reasons stated on the record during the pretrial conference on November 28, 2023, Defendants' motion to exclude or limit testimony of Plaintiffs' witness (Dr. Baye) on damages (Dckt. No. [565]) is hereby denied. The Court entertained a lengthy, spirited discussion on this motion. Basically, this Court will allow Dr. Baye to testify consistent with his report. Defendants may explore on cross examination whether Dr. Baye's model depends on a restriction in supply by non-defendant non-conspirators. Defendants also may present evidence of their own on that issue. Defendants believe that Plaintiffs' theory of liability is legally infirm, as summarized in their pending motions for directed verdict. On the other hand, Plaintiffs contend that the involvement of non-defendant non-conspirators in the restriction of supply through the UEP Certified Program is about proximate causation and the reasonableness of damages, and thus is a question of fact for the jury. As the Court explained on the record, the Court will allow Dr. Baye to testify, and will allow Defendants to present evidence of their own on that subject. But the Court is doing so without prejudice to the pending motions for directed verdict. The Court will allow the parties to present that issue to the jury, without resolving at this stage whether the damages theory is defective as a matter of law. The Court will decide that question at a later day when it resolves the pending motions for directed verdict. Mailed notice. (jjr,)

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